

thorize all corporations contracting for right of way upon or use of said structure to issue and sell bonds therefor under the regulation and authority of the Railroad Commission; and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court, with an emergency clause,' approved March 16, 1907, being Chapter 26 of the Special Laws passed at the Regular Session of the Thirtieth Legislature, by adding thereto Sections 1a and 1b, authorizing the commissioners court of said county to issue, for the purpose mentioned in said act, bonds of the county bearing interest at a rate not exceeding 6 per cent per annum, and to levy and collect an additional annual ad valorem tax to pay interest and create a sinking fund on said bonds, provided that a majority of the qualified property tax-paying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed 15 cents on the \$100 valuation of property subject to taxation in said county, and providing for the sale of such bonds and for the cancellation or sale of bonds heretofore issued by said commissioners court under said act,"

And find the same correctly enrolled, and at 11:27 a. m., this day did present the same to the Governor for his signature.

SCHOFIELD, Chairman.

#### FIFTEENTH DAY.

Hall of the House of Representatives,  
Austin, Texas,

Friday, August 12, 1910.

The House met at 10 o'clock a. m., pursuant to adjournment.

Speaker Marshall in the chair.

The roll was called, and the following members were present:

Adams.	Briscoe.
Anderson.	Brooks.
Aston.	Brookshire.
Baker of Hood.	Brownlee.
Baker of Panola.	Buchanan.
Ballengee.	Cable.
Barrett.	Canales.
Bartlett.	Cathey.
Bell.	Caves.
Bierschwale.	Chaney.
Bogard.	Cox.
Boswell.	Craven.
Bowles.	Crisp.

Crockett of Mitchell.  
Cureton.  
Currey.  
Dalby.  
Davis.  
Dotson.  
Driggers.  
Elliott.  
Fant.  
Flournoy.  
Fuller.  
Gilmore.  
Goodman.  
Graham.  
Hamilton of Childress.  
Hamilton of McCulloch.  
Harman.  
Highsmith.  
Hill.  
Humphrey.  
Hunt.  
Jackson.  
Jennings.  
Johnston.  
Keeble.  
Kennedy.  
Lawson.  
Lee.  
Lively.  
Looney.  
Luce.  
Maddox.  
Mason.  
Maxwell.  
McCallum.  
McDaniel.  
McDonald.  
McGown.  
McKinney.  
McLain.  
Minton.  
Moller.  
Morris.  
Nelson of Hopkins.

Nelson of Kaufman.  
Nickels.  
O'Bryan.  
O'Bryant.  
Odom.  
Penn.  
Perkins.  
Pharr.  
Porter.  
Rabb.  
Ray.  
Rayburn.  
Reedy.  
Reid.  
Roach.  
Roberson of Erath.  
Robertson of Bell.  
Robertson of Travis.  
Ross.  
Schluter.  
Schofield.  
Self.  
Smith.  
Spradley.  
Stamps.  
Standifer.  
Stephenson.  
Stepter.  
Stratton.  
Strickland.  
Tarver.  
Terrell of Bexar.  
Terrell of Cherokee.  
Tillotson.  
Turner.  
Turney.  
Vaughan.  
Wahrmond.  
Watson.  
Werner.  
Wilburn.  
Wilson.  
Wortham.  
Yantis.

#### Absent.

Branch. Matthews.  
Haxthausen.

#### Absent—Excused.

Bostic.	Johnson.
Brown.	Leach.
Byrne.	Munson.
Crawford.	Pearson.
Crockett of Washington.	Ralston.
Fitzhugh.	Stead.
German.	Von Rosenberg.
	Walter.

A quorum was announced present.

Prayer by Rev. W. J. Joyce, Chaplain.

## LEAVE OF ABSENCE GRANTED.

On account of important business:

Mr. Von Rosenberg for today and tomorrow, on motion of Mr. Rabb.

Mr. Chaney for Thursday, Friday and Saturday of last week, and Mr. Jennings for yesterday, on motion of Mr. Tarver.

Mr. Highsmith for yesterday, on motion of Mr. Odom.

Mr. Byrne for today, on motion of Mr. Keeble.

On account of sickness:

Mr. Fitzhugh for yesterday, today and tomorrow, on motion of Mr. Standifer.

Mr. Leach for this week, on motion of Mr. Rayburn.

Bob Barker, Chief Clerk, for yesterday and today, on motion of Mr. Standifer.

Mr. McDonald for today, on motion of Mr. Maddox.

## HOUSE BILLS ON FIRST READING.

(By Unanimous Consent.)

The following House bills were introduced, read first time and referred to appropriate committees as follows:

By Mr. Terrell of Bexar:

House bill No. 40, A bill to be entitled "An Act to incorporate the city of San Antonio, Bexar county, Texas, and to grant it a new charter; to provide for a commission form of government; to define its powers and to prescribe its duties and liabilities; to provide for the approval of said charter by the qualified electors of said city and to declare an emergency, and to repeal all acts in conflict herewith."

Referred to Committee on Municipal Corporations.

By Mr. Elliott, Mr. Marshall and Mr. Aston:

House bill No. 41, A bill to be entitled "An Act to amend Section 4, Article 5 of Chapter 33, Special Laws of the Thirtieth Legislature, entitled 'An Act granting to Denison, Grayson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict herewith, and declaring an emergency,' regulating the appointment and removal of officers and employes of said city, and declaring an emergency."

Referred to Committee on Municipal Corporations.

By Mr. Reedy:

House bill No. 42, A bill to be entitled "An Act to regulate the sale and dis-

position of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication in all territory where the sale of such liquors has been prohibited, except for sacramental and medicinal purposes, by a majority vote of the people; imposing occupation tax upon persons, firms, corporations and associations of persons selling such liquors in such territory; requiring such persons, before selling such liquors to procure a license, and providing the terms and conditions upon which such license may be issued; requiring such person desiring to sell such liquors in such territory to execute bonds, and prescribing the conditions of such bonds; providing that no such persons shall sell such liquors except upon the prescription of a regular practicing physician, and what such prescriptions shall contain before such sale is made; and providing that persons selling such liquors shall make and file with the county attorney or county clerk certain reports, and shall so file all prescriptions filled by them, and providing that physicians issuing such prescriptions shall make certain reports of all prescriptions issued by them, and providing for their filing such reports and duplicates of all prescriptions issued by them: with the county attorney; and providing for the forfeiture of the license of such physician for failing to file such reports or for filing false reports or for writing such prescriptions when patient not sick; providing for the revocation, under certain conditions, of all such license to sell liquor in such territory; and providing penalties for the violation of the provisions of this act, and declaring an emergency."

Referred to Committee on Liquor and Liquor Traffic.

## HOUSE BILL NO. 29 ON THIRD READING.

On motion of Mr. Strickland, by unanimous consent, the special order of business was suspended, to take up on third reading and final passage,

House bill No. 29, A bill to be entitled "An Act to amend an act entitled 'An Act granting Palestine, Anderson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict therewith, and declaring an emergency.'"

The Speaker laid the bill before the House; it was read third time, and was passed.

FREE CONFERENCE COMMITTEE  
ON HOUSE BILL NO. 5.

The Speaker announced the appointment of the following Free Conference Committee on part of the House on House bill No. 5: Messrs. Bowles, Gilmore, Terrell of Cherokee, Hamilton of Childress, Terrell of Bexar.

HOUSE BILL NO. 7 ON SECOND  
READING.

(Special Order.)

The Speaker laid before the House, as a special order for this hour on second reading and passage to engrossment,

House bill No. 7, A bill to be entitled "An Act providing conditions, additional to those now imposed by law, upon which insurance companies issuing policies or writing contracts of fire insurance on property in this State, shall transact business in this State; to create a State Insurance Board, to provide for their appointment and to fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable maximum rates of premiums on fire insurance on property in this State; to authorize said board to employ all necessary clerical force and providing an appropriation for the payment of salaries of said board and for all necessary expenses; to provide the basis of maximum rates for fire insurance on property in this State, until said board shall fix maximum rates herein prescribed; to authorize the revocation of the licenses or certificates of insurance companies to do business in this State for violations of the orders of said board or the provisions of this act; to require all persons having knowledge to give evidence as to the violations of this act or of the orders of said board; to require all insurance companies issuing policies or writing contracts of fire insurance to furnish reports to the members or any authorized agent of said board and to give access to all their books, documents and correspondence when requested by said board; also providing that the State Insurance Board shall make and maintain a record of all fire losses and such data and information in reference thereto as may be of assistance in the making of insurance rates and reductions of same; and reducing the fire losses of the State; providing that one member of the Insurance Board shall be elected secretary of the board and one member elected Fire Marshal of

the State Insurance Board, and defining and prescribing the duties of those respective positions; and providing that no action taken by the Fire Marshal shall affect the rights of the policyholders; providing for the establishment of minimum rates of fire insurance by the State Insurance Board, under certain conditions specified in the act; providing for the promulgation and establishment of uniform policies of insurance applicable to the various risks of this State, by the State Insurance Board and their adoption and use by fire insurance companies; prohibiting any person from receiving or accepting from any insurance company or its agents or any other person rebates or premiums or any special favor or advantage or consideration or inducement not specified in the insurance policy, and providing the penalty for the violation; to provide for the time when this act shall go into effect and for the repeal of Chapter 18 of the General Laws passed by the First Called Session of the Thirty-first Legislature, and of all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Mr. Gilmore offered the amendments to House bill No. 7 recommended by the Committee on Insurance, which amendments, having been printed and copies of same laid upon the desks of the members, are, by direction of the Speaker, omitted from the Journal.

Pending the reading of the committee amendments, Mr. Tarver occupied the chair temporarily.

(Speaker in the chair.)

The committee amendments were then adopted.

Mr. Terrell of Bexar moved that the bill be considered section by section.

The motion prevailed.

Section 1 of the bill was read and passed over.

Section 2 of the bill was read.

Mr. O'Bryan offered the following amendment to Section 2 of the bill:

Amend the bill, page 3, line 27, by striking out "August 1," and inserting "January 15," and in line 29, page 3, by striking out "August 1, 1912," and inserting "January 15, 1911."

On motion of Mr. Jennings, the amendment was tabled.

Section 3 of the bill was read.

Mr. Caves offered the following amendment to Section 3 of the bill:

Amend the committee substitute for

House bills No. 7 and 8 at page 4, Section 3, by striking out lines 11, 12, 13 and 14, and the words, "which said" at the end of line 10 and inserting in lieu thereof the following: "And for the purpose of carrying out the provisions of this act there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of twenty-five thousand dollars, or so much thereof as may be necessary, for the fiscal year beginning September 1, 1910, and ending August 31, 1911."

The amendment was adopted.

Mr. Ray offered the following amendment to Section 3 of the bill:

Amend by striking out all of lines 38, 39 and 40, of Section 3, on page 3, down to and including the word "law," in line 1, page 4; also by striking out all after the word "board," in line 2, page 4, down to and including the word "banking," in line 3 of the same page of the bill.

On motion of Mr. Terrell of Bexar, the amendment was tabled.

Question—Shall House bill No. 7 be passed to engrossment?

**BILL ORDERED NOT PRINTED.**

On motion of Mr. Terrell of Bexar, by unanimous consent, House bill No. 40, amending the city charter of San Antonio, was ordered not printed.

**MESSAGE FROM THE SENATE.**

Senate Chamber,  
Austin, Texas, August 12, 1910.

Hon. John Marshall, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate grants the request of the House for the appointment of a Free Conference Committee on House bill No. 5, and the following committee has been appointed on the part of the Senate: Senators Ward, Cofer, Alexander, Perkins and Harper.

Respectfully,  
CLYDE D. SMITH,  
Secretary of the Senate.

**RECESS.**

On motion of Mr. Adams, the House, at 12:10 o'clock p. m., took a recess to 2 o'clock p. m. today.

**AFTERNOON SESSION.**

The House met at 2 o'clock p. m., and was called to order by the Speaker.

# HOUSE BILL NO. 7 ON ENGROSSMENT.

(Special Order.)

The House resumed consideration of pending business, the same being House bill No. 7 on passage to engrossment, the House considering the bill section by section and sections 1 and 2 of the bill having been considered and Section 3 being under consideration.

Question—Shall the bill be passed to engrossment?

Mr. Ray offered the following substitute for Section 3 of the bill:

Amend by substituting the following for Section 3: "The members of said board, other than the Commissioner of Insurance and Banking, shall each receive as compensation for their services the sum of \$2500 per annum, and the Commissioner of Insurance and Banking shall receive as compensation or salary for his services under this act the sum of \$100 per annum, in addition to his compensation as now fixed by law. Immediately upon the taking effect of this act, or within a reasonable time thereafter, it shall be the duty of the Commissioner of Insurance to collect from each fire insurance company, which transacted business in this State during the year 1909 and up to and including the month of May, 1910, the proportionate share of the sum of \$25,000, which the gross premiums collected by such company during the year of 1909 from persons or upon property located in this State bears to the aggregate amount of such gross premiums so collected during such year by all fire insurance companies transacting business in this State, provided that in computing such gross premium receipts there shall be deducted therefrom the amount paid out for re-insurance and for returned premiums on cancelled risk, out of which said sum of \$25,000, the salaries of the members of said board appointed by the Governor and the said \$100 salary of the Commissioner of Insurance and Banking together with the necessary compensation of experts, the clerical force and other employees employed by said board, and all necessary traveling expenses, and such other expenses as may be necessarily incurred in carrying out the provisions of this act, shall be paid.

RAY,  
CABLE.

Mr. Schluter raised the point of order on consideration of the substitute on the

ground that it is not germane to the section it seeks to amend.

The Speaker overruled the point of order.

Question—Shall the substitute be adopted?

Yeas and nays were demanded and the substitute was lost by the following vote:

Yeas—25.

Ballengee.	Lively.
Barrett.	McDaniel.
Bell.	McDonald.
Boswell.	Morris.
Cable.	Nickels.
Cathey.	O'Bryan.
Cox.	Porter.
Craven.	Ray.
Dalby.	Roberson of Erath.
Fant.	Self.
Hunt.	Strickland.
Jackson.	Watson.
Lawson.	

Nays—73.

Adams.	McCallum.
Anderson.	McGown.
Aston.	McKinney.
Baker of Hood.	McLain.
Baker of Panola.	Minton.
Bartlett.	Moller.
Bierschwale.	Nelson of Hopkins.
Bogard.	Nelson
Branch.	of Kaufman.
Briscoe.	O'Bryant.
Brookshire.	Odom.
Brownlee.	Pharr.
Buchanan.	Rayburn.
Canales.	Reedy.
Caves.	Reid.
Crisp.	Roach.
Crockett	Robertson of Bell.
of Mitchell.	Robertson
Cureton.	of Travis.
Currey.	Ross.
Dotson.	Schluter.
Elliott.	Schofield.
Goodman.	Spradley.
Graham.	Standifer.
Hamilton	Stephenson.
of Childress.	Stepter.
Hamilton	Stratton.
of McCulloch.	Tarver.
Harman.	Terrell of Bexar.
Highsmith.	Terrell of Cherokee.
Humphrey.	Tillotson.
Jennings.	Turner.
Keeble.	Turney.
Lee.	Vaughan.
Looney.	Wahrmund.
Luce.	Werner.
Maddox.	Wilburn.
Mason.	Wortham.
Maxwell.	Yantis.

Absent.

Bowles.	Johnston.
Brooks.	Kennedy.
Chaney.	Matthews.
Davis.	Penn.
Driggers.	Perkins.
Flournoy.	Rabb.
Fuller.	Smith.
Gilmore.	Stamps.
Hill.	Wilson.

Absent—Excused.

Bostic.	Johnson.
Brown.	Leach.
Byrne.	Munson.
Crawford.	Pearson.
Crockett	Ralston.
of Washington.	Stead.
Fitzhugh.	Von Rosenberg.
German.	Walter.
Haxthausen.	

Section 4 of the bill was read.

Mr. Caves offered the following amendment to Section 4 of the bill:

Amend the committee substitute to House bills Nos. 7 and 8 by adding at page 4, Section 4, at the end of line 32, the following: "Not to exceed the sum of \$25,000 per annum, including salaries of members of the board and all other expenses to be paid out of the State Treasury."

The amendment was adopted.

Mr. Maddox offered the following amendment to Section 4 of the bill:

Amend the substitute for House bills Nos. 7 and 8, page 4, Section 4, line 16, by striking out the word "and" after the word "fix," and insert the words "and regulate" after the word "control."

The amendment was adopted.

Mr. Maddox offered the following amendment to Section 4 of the bill:

Amend substitute for House bills Nos. 7 and 8, line 25, Section 4, page 4, by striking out the word "and" after the word "supervise" and insert the following after the word "control," "and regulate."

The amendment was adopted.

Mr. Maddox offered the following amendment to Section 4 of the bill:

Amend substitute for House bills Nos. 7 and 8, page 4, Section 4, line 37, by inserting after the word "thereof" the following: "And the amount of premiums collected therefor for each class of risks."

The amendment was adopted.

Sections 5 and 6 of the bill were read and passed over.

Question—Shall House bill No. 7 be passed to engrossment?

HOUSE BILL NO. 40 ON SECOND READING.

On motion of Mr. Terrell of Bexar, by unanimous consent, the special order was suspended to take up and have placed on second reading and passage to engrossment,

House bill No. 40, A bill to be entitled "An Act to incorporate the city of San Antonio, Bexar county, Texas, and to grant it a new charter; provide for a commission form of government; to define its powers and to prescribe its duties and liabilities; to provide for the approval of said charter by the qualified electors of said city and to declare an emergency, and to repeal all acts in conflict herewith."

Mr. Terrell of Bexar moved that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that House bill No. 40 be placed on second reading and passage to engrossment.

The motion prevailed by the following vote:

Yeas—99.

Adams.	Fant.
Anderson.	Fuller.
Aston.	Gilmore.
Baker of Hood.	Goodman.
Ballengee.	Graham.
Barrett.	Hamilton of
Bartlett.	Childress.
Bell.	Hamilton of
Bierschwale.	Mc Culloch.
Bogard.	Harman.
Boswell.	Highsmith.
Bowles.	Humphrey.
Branch.	Hunt.
Briscoe.	Jennings.
Brookshire.	Keeble.
Brownlee.	Kennedy.
Buchanan.	Lawson.
Cable.	Lively.
Canales.	Maddox.
Cathey.	Mason.
Caves.	Maxwell.
Cox.	McDaniel.
Craven.	McDonald.
Crisp.	McKinney.
Crockett of	McLain.
Mitchell.	Minton.
Cureton.	Moller.
Currey.	Morris.
Dalby.	Nelson of Hopkins.
Davis.	Nelson of
Dotson.	Kaufman.
Driggers.	Nickels.
Elliott.	O'Bryan.

O'Bryant.	Standifer.
Odom.	Stephenson.
Perkins.	Stepter.
Pharr.	Stratton.
Porter.	Strickland.
Ray.	Tarver.
Rayburn.	Terrell of Bexar.
Reedy.	Terrell of
Reid.	Cherokee.
Roach.	Tillotson.
Roberson of Erath.	Turner.
Robertson of Bell.	Turney.
Robertson of	Vaughan.
Travis.	Wahrmund.
Ross.	Watson.
Schluter.	Werner.
Schofield.	Wilburn.
Self.	Wortham.
Spradley.	Yantis.
Stamps.	

Present—Not Voting.

Baker of Panola.

Absent.

Brooks.	Luce.
Chaney.	Matthews.
Flournoy.	McCallum.
Hill.	McGown.
Jackson.	Penn.
Johnston.	Rabb.
Lee.	Smith.
Looney.	Wilson.

Absent—Excused.

Bostic.	Johnson.
Brown.	Leach.
Byrne.	Munson.
Crawford.	Pearson.
Crockett of	Ralston.
Washington.	Stead.
Fitzhugh.	Von Rosenberg.
German.	Walter.
Haxthausen.	

The Speaker laid the bill before the House and it was read second time.

Question—Shall the bill be passed to engrossment?

Mr. Terrell of Bexar offered the following amendment to the bill:

Amend House bill No. 40, page 54, Section 144, line 3, after the word "districts," by striking out all words after the word "districts" down to the word "but" in line 6 of said section and inserting in lieu thereof the following: "And to this end the commissioners shall for the purpose of improvement district election prescribe a precinct which shall be the same as the limits of the city of San Antonio, and shall designate the place of voting for said election, which place shall be in said improvement district, and all qualified

voters of the city of San Antonio living or owning property therein shall be entitled to vote."

The amendment was adopted.

House bill No. 40 was passed to engrossment.

#### HOUSE BILL NO. 40 ON THIRD READING.

Mr. Adams moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 40 be placed on third reading and final passage.

The motion prevailed by the following vote:

Yeas—99.

Adams.	Kennedy.
Aston.	Lively.
Baker of Hood.	Looney.
Baker of Panola.	Maddox.
Barrett.	Mason.
Bartlett.	Maxwell.
Bell.	McCallum.
Bierschwale.	McDaniel.
Bogard.	McDonald.
Boswell.	McGown.
Bowles.	McKinney.
Branch.	McLain.
Briscoe.	Minton.
Brooks.	Moller.
Brookshire.	Morris.
Brownlee.	Nelson of Hopkins.
Buchanan.	Nelson of Kaufman.
Cable.	Nickels.
Canales.	O'Bryan.
Cathey.	O'Bryant.
Caves.	Odom.
Cox.	Perkins.
Crisp.	Pharr.
Crockett	Porter.
of Mitchell.	Reedy.
Cureton.	Reid.
Currey.	Roach.
Dalby.	Roberson of Erath.
Davis.	Robertson of Bell.
Dotson.	Ross.
Driggers.	Schluter.
Elliott.	Schofield.
Fant.	Self.
Fuller.	Smith.
Gilmore.	Spradley.
Goodman.	Stamps.
Graham.	Standifer.
Hamilton	Stephenson.
of Childress.	Stepter.
Hamilton	Stratton.
of McCulloch.	Strickland.
Harman.	Tarver.
Highsmith.	Terrell of Bexar.
Hill.	Terrell of Cherokee.
Humphrey.	Tillotson.
Hunt.	Turney.
Jennings.	Vaughan.
Keeble.	

Wahrmund.  
Watson.  
Werner.  
Wilburn.

Wortham.  
Wilson.  
Yantis.

Nays—1.

Ballengee.

Present—Not Voting.

Ray.

Absent.

Anderson.  
Chaney.  
Craven.  
Fitzhugh.  
Flournoy.  
German.  
Haxthausen.  
Jackson.  
Johnston.  
Lawson.

Lee.  
Luce.  
Matthews.  
Penn.  
Rabb.  
Rayburn.  
Robertson  
of Travis.  
Turner.

Absent—Excused.

Bostic.  
Brown.  
Byrne.  
Crawford.  
Crockett  
of Washington.  
Johnson.  
Leach.  
Munson.  
Pearson.  
Ralston.  
Stead.  
Von Rosenberg.  
Walter.

The Speaker laid the bill before the House, it was read third time and was passed.

#### HOUSE BILL NO. 7 ON ENGROSSMENT.

(Special Order.)

The House resumed consideration of pending business, the same being House bill No. 7 on passage to engrossment, the House considering the bill section by section, and all of the sections of the bill down to and including Section 6 having been considered.

Section 7 of the bill was read and passed over.

Section 8 of the bill was read.

Mr. Jennings offered the following amendment to Section 8 of the bill:

Amend Section 8, page 6, line 13, after the word "unincorporated" by adding the words, "with or without salary."

SELF,  
JENNINGS.

Mr. Ray offered the following substitute for the amendment:

Amend by striking out all of Section 8.

On motion of Mr. Cureton, the substitute was tabled.

The amendment was adopted.

Section 9 of the bill was read.

Mr. Buchanan offered the following amendment to Section 9 of the bill:

Amend substitute House bill for House bills Nos. 7 and 8, page 7, Section 9, by adding to the end of said section the following "Provided the party or parties, company or companies requesting such investigation shall before such investigation is commenced deposit with the State Insurance Board an amount of money in the judgment of said board sufficient to defray the expenses of said fire marshal in conducting such investigation."

The amendment was adopted.

Section 10 of the bill was read.

Mr. Terrell of Bexar offered the following amendment to Section 10 of the bill:

Amend committee substitute, page 7, lines 6 and 7, by striking out the following: "Or the fact that an investigation was requested or made."

CURETON,

TERRELL of Bexar.

The amendment was adopted.

Section 11 of the bill was read.

Mr. Terrell of Bexar offered the following amendment to Section 11 of the bill:

Amend the committee substitute in line 10, page 8, Section 11, by striking out "25" and inserting in lieu thereof "24."

The amendment was adopted.

Mr. Maddox offered the following amendment to Section 11 of the bill:

Amend substitute for House bill Nos. 7 and 8, page 1, line 18, Section 11, by inserting after the word "insurance" the following, "on each class of risk."

The amendment was adopted.

Mr. Ballengee offered the following amendment to Section 11 of the bill:

Amend line 28, page 7, by striking out the word "specific" and inserting in lieu thereof the word "maximum."

On motion of Mr. Cureton, the amendment was tabled.

Section 12 of the bill was read.

Mr. Buchanan offered the following amendment to Section 12 of the bill:

Amend substitute for House bill Nos. 7 and 8, page 8, Section 12, line 33, by striking out the word "may" and inserting the word "shall" in lieu thereof.

The amendment was adopted.

Section 13 of the bill was read.

Mr. Cureton offered the following amendment to Section 13 of the bill:

Amend the committee substitute, Section 13, page 9, line 37, by adding after the word "board" the following: "Provided further, that any insurance company or companies affected by this act shall have the right at any time to

petition the board for an order changing or modifying the general basis schedules, or the application of the general basis schedules to the specific risks; and the board shall consider such petition as provided in this act and enter such order as the board may deem be just and equitable to such company or companies, to competing companies, and to the public. Provided further, also that any company affected by this act shall have the right to apply to the board for an order permitting such company to reduce the specific rates of insurance in property within this State, and the board shall consider such application and enter such order with reference thereto as it may deem just and equitable to such company, to competing companies and to the public; but in no event shall discrimination be permitted between persons, or between different classes of risks."

The amendment was adopted.

Mr. Maddox offered the following amendment to Section 13 of the bill:

Amend substitute for House bills Nos. 7 and 8, page 9, by adding after the word "board" on line 20, the following: "And it shall be the duty of the expert or experts representing the insurance companies, or any insurance company in this State, to furnish at the date of the inspection, to the owners of all risks inspected for the purpose of applying the general basis schedules provided for in this act, a copy of such inspection report, showing all defects that operate as charges to increase the insurance rate."

MADDOX,  
GILMORE.

The amendment was adopted.

Mr. Maddox offered the following amendment to Section 13 of the bill:

Insert this amendment at the end of the amendment of the authors to Section 13:

"Sec. 13. The board shall also have the power and authority to give each city, town, village or locality credit for each and every hazard they may reduce or entirely remove, also for all added fire fighting equipment, increased police protection or any other equipment or improvement that has a tendency to reduce the fire hazard of any such city, town, village or locality. The board shall also have the power and authority to compel any company to give any and all policy holders credit for any and all hazards that said policy holder or holders may reduce or remove. Said



credit shall be in proportion to such reduction or removal of such hazard, and said company or companies shall return to such policy holder or holders such proportional part of unearned premiums charged for such hazards that may be reduced or removed."

MADDOX,  
GILMORE.

The amendment was adopted.

Mr. Maddox offered the following amendment to Section 13 of the bill:

Amend substitute for House bills Nos. 7 and 8, Section 13, page 9, line 36, by striking out the words "disapproval of the board" and inserting in lieu thereof the following: "The review of the board for its approval or disapproval."

The amendment was adopted.

Mr. Maddox offered the following amendment to Section 13 of the bill:

Amend substitute for House bills Nos. 7 and 8, page 9, Section 13, line 33, by inserting after the word "approval" the following words: "But such rates that the board may permit any company or companies to apply without the board's approval shall always be subject to review by the board and by the proper showing of any policyholder or holders, may be reduced."

The amendment was adopted.

Section 14 of the bill was read.

Mr. Terrell of Bexar offered the following amendment to Section 14 of the bill:

Amend Section 14, page 10, line 2, by striking out the word "the" before the word "credit."

The amendment was adopted.

Sections 15 and 16 of the bill were read and passed over.

Section 17 of the bill was read.

Mr. Stratton offered the following amendment to Section 17 of the bill:

Amend the bill by adding after the word "board," in line 14, page 11, Section 17, of the printed substitute the following: "Provided no endorsement clause or rider, so attached to or placed upon any such policy of insurance shall avoid or in any way affect such policy or any provision thereof until same shall have first been approved by said board."

The amendment was adopted.

Section 18 was read and passed over.

Section 19 of the bill was read.

(Mr. Gilmore in the chair.)

Mr. Buchanan offered the following amendment to Section 19 of the bill:

Amend substitute for House bills Nos. 7 and 8, on page 13, Section 19, lines 1

to 17, after the word "granted" by striking out all after the word "granted" in line 1 down to and including word "same" in line 16, and inserting the following: "Provided that in such suit the court, by interlocutory order, may authorize the writing and acceptance of fire insurance policies at any rate, which in the judgment of the court is fair and reasonable during the pending of such suit, upon condition that the party to such suit in whose favor the said interlocutory order of said court may be, shall execute and file with the Commissioner of Insurance and Banking a good and sufficient bond to be first approved by said court, conditioned that the party giving said bond will abide the final judgment of said court, and will pay to Commissioner of Insurance and Banking whatever difference, in the rate of insurance, it may be finally determined to exist between the rate as fixed by said board complained of in such suit, and the rate finally determined to be fair and reasonable by the courts in said suit; and the said Commissioner of Insurance and Banking, when he receives such difference in money, shall transmit the same to the parties entitled thereto."

The amendment was adopted.

Section 20 of the bill was read.

Mr. Buchanan offered the following amendment to Section 20 of the bill:

Amend Section 20, page 13, line 39, by striking out the word "prescribed" and insert in lieu thereof the words "provided for."

The amendment was adopted.

Mr. Cureton offered the following amendment to Section 20 of the bill:

Amend Section 20, page 14, by striking out the words "Section 15 of," line 7, and amend line 9 by striking out "said Section 15" and insert "this act."

The amendment was adopted.

Mr. Terrell of Bexar offered the following amendment to Section 20 of the bill:

Amend Section 20, page 14, by striking out the last two words of line 9, all of line 10 and line 11 down to and including the word "shall," and inserting in lieu thereof the following: "It shall be unlawful for any insurance company authorized under the terms of this act to transact business in this State to."

The amendment was adopted.

Mr. Terrell of Bexar offered the following amendment to Section 20 of the bill:

Amend Section 20, line 11, page 15, by

adding after the word "act" the following: "But this shall not be construed to give any company the right to issue any contract or policy of insurance other than as provided in this act."

TERRELL of Bexar,  
CURETON.

The amendment was adopted.  
Section 21 of the bill was read.

Mr. Terrell of Bexar offered the following amendment to Section 21 of the bill:

Amend Section 21, page 15, line 12, by inserting after the word "shall" the word "knowingly."

The amendment was adopted.  
Section 22 of the bill was read.

Mr. Brownlee offered the following amendment to Section 22 of the bill:

Amend committee substitute for House bills Nos. 7 and 8 by striking out Section 22.

Question—Shall the amendment be adopted?

#### APPOINTMENT ANNOUNCED.

The Speaker announced the following appointment:

To represent the Legislature at Dallas, Texas, October 17, 1910, on Industrial Education day, Hon. R. E. Yantis.

#### BILL SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following bill:

House bill No. 30, "An Act to reorganize the Seventieth Judicial District of Texas, and to fix the time of holding court in each of the counties of said Seventieth Judicial District, and to declare an emergency."

#### LEAVE OF ABSENCE GRANTED.

Messrs. Luce, Terrell of Cherokee, Porter, Terrell of Bexar, Strickland and Fuller, the committee appointed to attend the funeral of Hon. C. C. Stokes, were excused to perform the duties assigned them, on motion of Speaker Marshall.

#### MESSAGE FROM THE SENATE.

Austin, Texas, August 12, 1910.

Hon. John Marshall, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

Senate bill No. 11, A bill to be entitled "An Act to amend Chapter 16 of the Acts of the Regular Session of the Thirty-first Legislature of the State of Texas, approved February 20, 1909, entitled 'An Act authorizing any county in the State of Texas having a population in excess of fifty thousand inhabitants by the last preceding United States census, to submit to the qualified voters the propriety of a bond issue for the construction and maintenance of causeways, viaducts, bridges and approaches across any rivers within the limits of such county, and to provide for the construction, maintenance and use of such causeways, viaducts, bridges and approaches, and declaring an emergency,' by adding thereto Sections 9a and 9b, providing a method by which counties may acquire land upon which to construct and maintain said causeways, viaducts, bridges and approaches, by condemnation, and by grant from cities and counties of the right to use streets, alleys, public highways and public grounds, and to authorize counties to construct said causeways, viaducts, bridges and approaches across the lines of railway, telegraph and telephone corporations, and the method thereof, and declaring an emergency."

Senate bill No. 19, A bill to be entitled "An Act to reorganize the Seventieth Judicial District of Texas, and to fix the time of holding court in each of the counties of said Seventieth Judicial District, and to declare an emergency."

House bill No. 30, A bill to be entitled "An Act to reorganize the Seventieth Judicial District of Texas, and to fix the time of holding court in each of the counties of said judicial district, and declaring an emergency."

Respectfully,

CLYDE D. SMITH,  
Secretary of the Senate.

#### SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read first time and referred to appropriate committees, as follows:

Senate bill No. 11, to the Committee on Roads, Bridges and Ferries.

Senate bill No. 19, to the Committee on Judicial Districts.

#### INDUSTRIAL DAY AT STATE FAIR.

The Speaker laid before the House, and had read, the following communication:

Greenville, Texas, July 26, 1910.

To the Members of the Texas Legislature:

October 17th has been designated as Industrial Education Day at the State Fair and it is my purpose to make of it a great occasion marking a distinct era in the educational progress of our great State. I should be pleased to have your splendid body represented on the program of exercises now in preparation and would thank you to select one of your members who is thoroughly imbued with the educational spirit to discuss at said meeting the topic, "Industrial Education and the Texas Legislature."

I am gratified to state that the Thirty-first Legislature as well as its immediate predecessors has done much for the great cause of educational reform and progress and there is an abundance of material available for use by such representative of your body should you act favorably upon the suggestion.

A cordial invitation is extended to every member and official of the Senate and House.

Respectfully,

V. W. GRUBBS,

President Grubbs' Self-Help and Industrial College.

Mr. Vaughan moved that the Speaker appoint a member of the House to deliver an address in accordance with the above invitation.

The motion prevailed.

#### COMMUNICATION FROM HON. J. W. BAILEY.

(By Unanimous Consent.)

The Speaker had read to the House the following telegram from Senator Bailey:

Gainesville, Texas, August 12.

Hon. John Marshall, Speaker of the House of Representatives, Austin.

I have received your message and sincerely regret that I can not accept the invitation to address the House of Representatives tonight. Several months ago I promised my friends at Nocona that I would speak to them today and I do not feel at liberty to cancel that engagement. Please express my profound thanks to the House for the honor of this invitation and my sincere regret that I am unable to accept.

J. W. BAILEY.

#### COMMUNICATION FROM HON. R. V. DAVIDSON.

(By Unanimous Consent.)

The Speaker had read to the House the following telegram from Hon. R. V. Davidson:

Saltillo, Mex., August 12, 1910.

Hon. John Marshall, Austin, Texas:

Absence from State prevents my addressing Legislature. Thanks for invitation.

R. V. DAVIDSON.

#### ADJOURNMENT.

On motion of Mr. Marshall, the House, at 5:15 o'clock p. m., adjourned to 9 o'clock a. m. tomorrow.

#### APPENDIX.

#### REPORT OF THE COMMITTEE ON LABOR.

Committee Room,

Austin, Texas, August 11, 1910.

Hon. John Marshall, Speaker of the House of Representatives.

Sir: Your Committee on Labor, to whom was referred House bill No. 33, a bill to prevent compresses in Texas from hailing or compressing cotton in such manner as to endanger the lives of laborers in handling such cotton, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Adams was named to make a full report on said bill.

STEPHENSON, Chairman.

#### REPORT OF THE COMMITTEE ON ROADS, BRIDGES AND FERRIES.

Committee Room,

Austin, Texas, August 11, 1910.

Hon. John Marshall, Speaker of the House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 27, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass with amendments. Mr. Maxwell was appointed to make a full report.

ELLIOTT, Chairman.

REPORT OF THE COMMITTEE ON  
MUNICIPAL CORPORATIONS.

Committee Room,  
Austin, Texas, August 12, 1910.

Hon. John Marshall, Speaker of the  
House of Representatives.

Sir: Your Committee on Municipal Corporations, to whom was referred House bill No. 40, being an act to incorporate the city of San Antonio, Bexar county, Texas, and to grant it a new charter, to provide for a commission form of government and so forth, beg to advise that we have had same under consideration, and we are instructed to report it back to the House with the recommendation that it do pass.

STANDIFER, Chairman.

REPORT OF COMMITTEE ON EN-  
ROLLED BILLS.

Committee Room,  
Austin, Texas, August 12, 1910.

Hon. John Marshall, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

House Concurrent Resolution No. 3, Approving effort of city of New Orleans to secure holding of exposition commemorating completion of Panama Canal, and requesting Texas Senators and Representatives in Congress to use their influence to secure holding of such exposition in New Orleans,

And find the same correctly enrolled, and did this day, at 10:58 o'clock a. m., present the same to the Governor for his signature.

SCHOFIELD, Chairman.

**In Memory**  
of  
**Hon. C. C. Stokes.**

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Mr. Luce offered the following resolution:

Whereas, This House has learned with profound regret of the death of Hon. C. C. Stokes, Senator from the Thirteenth Senatorial District and former member of the House of Representatives; and

Whereas, We deeply deplore the untimely death of this distinguished citizen and faithful public servant of the people, who has been cut down in the prime of life.

In his death the State has lost a faithful official whose motto was "A public office is a public trust." Society has lost a faithful champion of civic virtue and his family a faithful and devoted husband. Therefore, be it

Resolved by the House of Representatives, That we extend our heartfelt sympathy to the family of the deceased in their great bereavement, and that a copy of this resolution be spread upon the Journal of the House and a copy forwarded to the family of the deceased.

Resolved, further, That a committee of six members of the House be appointed by the Speaker to attend the funeral of Senator Stokes at his home in Crockett, and that when the House adjourns today that it do so out of respect to the memory of the deceased.

STRICKLAND,  
SMITH,  
ODOM,  
LUCE,  
GERMAN,  
SELF,  
McKINNEY,

TERRELL of Cherokee,  
BELL,  
CANALES,  
BOGARD,  
FULLER,  
BAKER of Panola,  
HARMAN.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Fuller moved that the resolution be adopted unanimously.

The motion prevailed, and the resolution was adopted unanimously.

In accordance with the above action, the Speaker announced the appointment of the following committee to attend the funeral of Hon. C. C. Stokes: Messrs. Luce, Terrell of Cherokee, Strickland, Porter, Terrell of Bexar, Fuller.